

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, November 4, 2015**  
**9:30 A.M.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: October 23, 2015**

**RE: Closed Session of the Board to be held on November 4, 2015**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session. Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.

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**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. J. REDFERN INC., DBA GOLDEN STATE LANDSCAPING, 15-R1D2-2245
2. STONEWARE ENTERPRISES, INC., 13-R3D1-3514
3. PAR ELECTRICAL CONTRACTORS, INC., 13-R3D3-3174

**PETITIONS FOR RECONSIDERATION:**

1. ABM FACILITY SERVICES, INC DBA ABM BUILDING VALUE, 12-R3D6-3496 THROUGH 3498
2. T & R CONSTRUCTION GROUP, 14-R4D3-4120 & 4121

**DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):**

1. REALTIME STAFFING SERVICES, INC. dba SELECT STAFFING, 12-R4D3-3687 through 3689

**ORDERS DISMISSING APPEAL:**

**MATTERS INVOLVING LATE APPEALS:**

*(These are matters such as orders dismissing appeal, orders granting leave to file late appeal and orders denying leave to file late appeal)*

**ORDER DENYING LATE APPEAL**

1. KACHINA BUILDERS AND CONTRACTORS, INC. DBA KACHINA ROOFING, 15-R3D2-9182
2. ROYAL CONSTRUCTION & ARCHITECTURAL CORP., 15-R6D5-9181
3. ROSA EMILIA A. SEGURA DBA NAHLIEL APPAREL, 15-R6D5-9179

**ORDER GRANTING LATE APPEAL**

1. MIGUEL RIVADENEYRA DBA THIS OLD SHOP, 15-R6D5-3678 THROUGH 3680
2. URETECH COMMERCIAL ROOFING, 15-R3D23617 THROUGH 3619

**MATTERS HELD OVER FROM PREVIOUS MEETINGS:**

*(If the Board is unable to conclude its deliberations and/or if any matter(s) is (are) put over from a previous meeting, they will be further discussed.)*

**MATTERS PENDING RECONSIDERATION:**

*(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)*

1. ACTION METAL RECYCLING, INC., R2D2-1125 THROUGH 1126
2. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038

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3. CYBERNET ENTERTAINMENT, LLC, 14-R6D1-0364
4. DIONYSUS DREAM INC., DBA NEWPORT MESA CARWASH & SERVICE,  
15-R6D5-9087
5. ECHO ALPHA INC. ET AL, 14-R3D1-0802 THROUGH 0804
6. EKEDAL CONCRETE, INC., 13-R3D1-0131 THROUGH 0133
7. EMPLOYER SOLUTIONS STAFFING GROUP II, LLC, 12-R3D6-3207
8. FASTEMPS INC., 12-R3D6-3208
9. GOLDEN STATE WARRIORS, 15-R1D4-9060
10. HERMAN WEISSKER, INC., 13-R3D1-3279
11. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
12. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
13. McCARTHY BUILDING CO., INC., 12-R1D4-3458
14. MCM CONSTRUCTION, INC., 13-R1D2-3851 THROUGH 3854
15. SIERRA FOREST PRODUCTS, 09-R2D5-3979
16. SHIMMICK CONSTRUCTION CO., INC/OBAYASHI CORP., 11-R3D1-2562  
through 2570
17. UNITED PARCEL SERVICE, 14-R2D1-1779
18. W.A. RASIC CONSTRUCTION, INC., 13-R3D1-2952

**LEGISLATION:**

**PENDING LITIGATION:**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

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**SUPERIOR COURT:**

1. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
2. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
3. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
4. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
5. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
6. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
7. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
8. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
9. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
10. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
11. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
12. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
13. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
14. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
15. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
16. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
17. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575 (12-R5D1-337)
18. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
19. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-80001749 (2008-R2D1-3414 THROUGH 3418)
20. SHIMMICK-OBAYASHI, 34-2014-80001750 (08-R3D3-5023 THROUGH 5025)

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21. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
22. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817  
(09-R6D2-2238 ~ 2241)
23. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)
24. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)
25. TL PAVLICH CONSTRUCTION, INC., BS14-9660 (11-R3D6-1303  
THROUGH 1310)
26. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360  
THROUGH 3362)
27. FEDEX GROUND PACKAGING SYSTEM, INC., CIVDS1415696 (13-R3D1-1220)
28. KEY ENERGY SERVICES, INC., S-1500-CV-283958, EB (13-R4D3-2239 ~ 2242)
29. KDTD, INC. DBA KD DEVELOPMENT, INC., 37-2015-00003550-CU-WM-CTL  
(14-R3D2-1935 & 1936)
30. HHS CONSTRUCTION, 34-2015-80002052 (12-R3D2-0492 THROUGH 0497)
31. MARIA DE LOS ANGELES COLUNGA dba MERCED FARM LABOR,  
15CV-00945 (08-R2D1-3093 ~ 3098)
32. STANISLAUS FOOD PRODUCTS CO., 34-2015-80002087 (13-R2D4-0572 ~ 0574)
33. OLDCASTLE PRECAST, INC., 34-2015-80002167 (13-R3D3-0583)
34. SHIMMICK CONSTRUCTION CO., INC./OBAYASHI CORP., 34-2015-80002204  
(12-R3D1-0781)
35. CHARLES PANKOW BUILDERS, LTD., 34-2015-8000221 (13-R4D1-1759)

**APPELLATE COURT:**

1. XL CONSTRUCTION, C074514, 34-2009-80000300 (08-R1D2-1191 THROUGH  
1193)
2. AC TRANSIT, A142799, RG13-687314 (08-R1D4-0135)
3. THYSSENKRUPP ELEVATOR CORPORATION, C077115, 34-2013-80001456  
(11-R2D1-2217 ~ 2219)

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4. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, C078953,  
34-2011-80000965, (10-R6D2-0188 THROUGH 0191)

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

1. ACCO ENGINEERED SYSTEMS, INC., 14-R4D1-1365 AND 1366
2. ACOSTA GROWERS INC., 15-R6D2-1828 AND 1829
3. A & D AUTOMATIC GATE AND ACCESS, 15-R6D1-2667
4. AG LIQUIDATORS HOLDINGS CORP. LLC DBA ARTIFICIAL GRASS  
LIQUIDATORS, 14-R3D1-2663
5. SERGIO AGUILAR DBA A & J AUTOBODY PAINT & DETAIL, 15-R6D5-2782  
AND 2783
6. AIDS HEALTHCARE FOUNDATION, 15-R4D1-1513
7. ALLIED BUILDING PRODUCTS CORP, 15-R1D4-2553 AND 2554
8. ALTA BATES SUMMIT MEDICAL CENTER, 15-R1D4-2871
9. ALTA QUALITY FARM SERVICE INC., 15-R4D3-1596 AND 1597
10. AMPCO CONTRACTING, INC., 14-R4D1-4147
11. ANDES CONSTRUCTION, INC., 15-R1D4-3029 THROUGH 3031
12. ANOROC PRECISION SHEET METAL INC., 15-R6D2-2627 THROUGH 2633
13. ATLANTIC PLANT SERVICES CALIFORNIA INC., 15-R1D3-1428
14. AUTOMATIC FIRE INC. DBA AUTOMATIC FIRE SPRINKLERS, 14-R1D5-2945
15. BARRETT BUSINESS SERVICE, INC., 14-R2D4-4012
16. BENCHMARK CONTRACTORS, INC., 14-R4D1-1048
17. RANDALL JOHN BILLINGTON, 15-R3D3-2219
18. BLACK DIAMOND ELECTRIC INC., 14-R2D5-2746
19. BMN CONSTRUCTION, INC., 14-R2D5-2852

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21. CALIFORNIA DRILLING & BLASTING CO., INC., 15-R5D1-3267 AND 3268
22. JOSE CARRASCO & JORGE ELGUERA DBA J & J RADIATOR SERVICE,  
15-R6D7-2353
23. C.C. MYERS, INC. 15-R1D5-0516 AND 0518
24. CITY OF MURRIETA POLICE DEPARTMENT, 15-R3D3-3374
25. CITY OF PITTSBURG DBA PITTSBURG WATER TREATMENT PLANT,  
15-R7D1-3315 THROUGH 3319
26. COCA-COLA BOTTLING OF LOS ANGELES DBA COCA-COLA  
REFRESHMENTS, 15-R4D3-2272
27. GARY COOPER DBA COOPER CONSTRUCTION, 14-R2D1-0030 THROUGH  
0032
28. COUNTY OF LA HARBOR UCLA MEDICAL CENTER, 14-R3D5-3850 AND  
3851
29. CRUNCH FITNESS, LLC., 14-R4D1-3584
30. DAVIS DEVELOPMENT COMPANY, INC., 14-R3D3-1142
31. DE ROSA ENTERPRISES INC DBA PSI, 15-R6D2-2033 AND 2034
32. DESERT SANDS USD-ANDREW JACKSON ELEMENTARY, 15-R3D3-0871
33. DEVCON CONSTRUCTION INCORPORATED, 15-R1D3-2787
34. D.H. SMITH COMPANY, INC., 15-R1D2-1260
35. DISCOUNT TIRE DBA AMERICA'S TIRE, 15-R1D2-2726
36. DRILL TECH DRILLING AND SHORING, INC., 15-R5D2-2276
37. DRIVER SPG SPECIAL PROJECTS GROUP, 14-R3D1-3251
38. DURAN POLISHING CORPORATION DBA DURAN WHEELS EXPRESS,  
15-R3D1-1449 THROUGH 1451
39. DURHAM CONSTRUCTION COMPANY INC, 14-R2D1-2337

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40. DURO ROLLER COMPANY INC., 15-R6D2-0193 THROUGH 0197
41. DV CUSTOM FARMING, LLC, 14-R4D7-3441
42. EAGLE MARINE SERVICES, 15-R3D5-0148 AND 0149
43. EDELBROCK FOUNDRY LLC, 15-R3D3-2089 THROUGH 2092
44. EDESSA CORPORATION DBA NADDOURS ORNAMENTAL IRON, 15-R3D1-1312 AND 1313
45. DAVID ROBERT ELIE DBA ELIE DEVELOPMENT, 15-R1D5-1015
46. EL MONTE CATERING TRUCKS MANUFACTURING, INC., 15-R1D2-1657
47. ENCON TECHNOLOGIES INC. DBA ENCON ENV. & ENGINEERING, 14-R4D3-2071 THROUGH 2072
48. EXPRESS PACKAGING OF ARIZONA, INC., 14-R3D3-1107 THROUGH 1112
49. FED EX GROUND PACKAGE SYSTEM, INC DBA FED EX GROUND, 15-R1D2-2506
50. FILLMORE-PIRU CITRUS ASSOCIATION, 15-R4D3-1922 AND 1923
51. FREEBERG INDUSTRIAL FABRICATION CORP., 15-R6D2-2334 AND 2335
52. GALAXY GRANITE, INC., 14-R1D1-2656
53. JIMMY GASTELO DBA BULL DOG BUILDERS, 15-R6D5-3265
54. GATES OF SPAIN LLC, 14-R3D3-4214
55. GENERAL GROWERS, 15-R6D5-3398
56. GERMAN MACHINED PRODUCTS, INC., 15-R3D5-1913 AND 1914
57. GIUMARRA VINEYARDS CORPORATION, 14-R4D7-3186 AND 3187
58. G. K. ALCOMBRACK, INC., 15-R2D1-1378
59. GLAZING CONCEPTS, INC., 15-R3D2-3247 THROUGH 3249
60. GOING NUTS, INC., 14-R2D5-2471 THROUGH 2473
61. GOLDEN STATE FOODS, 10-R3D6-0224 THROUGH 0227



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63. GREAT SCOTT TREE SERVICE, 14-R3D1-3310
64. GUADALAJARA TIRES, INC., 15-R3D1-1447-1448
65. GW CRUSBERG INC., 15-R6D2-0683 AND 0684
66. HALIBURTON INTERNATIONAL FOODS, INC., 15-R4D4-0614 AND 0615
67. HEADSTART NURSERY, INC., 15-R3D3-3366 THROUGH 3368
68. H & H WALLBOARD, INC., 15-R6D7-0442
69. IDEAL METAL & SALVAGE CO., INC., 15-R3D5-3378 AND 3379
70. IMAC CONSTRUCTION INC., 14-R3D5-1788 THROUGH 1790
71. IPI CONSTRUCTION, 15-R4D3-1970
72. JAG HARVEST, INC., 15-R2D5-3524
73. JAMES E. ROBERTS-OBAYASHI CORPORATION, 15-R1D4-3217
74. KERRY, INC., DBA DERRY INGREDIENTS INC., 13-R1D4-2577
75. KMC ACQUISITION CORPORATION DBA KIRKHILL MANUFACTURING COMPANY, 15-R3D5-1623 AND 1624
76. KROEGER INC., DBA FOOD 4 LESS, 15-R3D1-2175 AND 2176
77. KW FOODS, INC., 15-R4D4-0499 AND 0500
78. LABOR READY SOUTHWEST, INC., 14-R4D1-2825
79. LA CANTINA DOORS INC., 15-R6D2-1632 AND 1633
80. LA FLOR DE MEXICO, INC, 15-R4D4-0882 AND 15-R4D4 1651 AND 1652
81. LANTERMAN DEVELOPMENTAL CENTER, 15-R4D4-2029
82. LARRY METHVIN INSULATIONS INC., 15-R6D2-1718 AND 1719
83. LAUSD EVERGREEN ELEMENTARY, 14-R4D1-3908
84. MACERICH PROPERTY MANAGEMENT COMPANY LLC, 15-R2D4-0162

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86. MANOEL RUDIMAR DO CANTO, DBA SAN FRANCISCO DESIGN BUILD, 15-R1D1-3185
87. MANPOWER US, INC., 14-R1D2-4138
88. MCCAIN INC., 14-R3D2-4215 AND 4216
89. M C MECHANICAL, 15-R1D1-0211
90. MESA ENGINEERING, INC., 15-R4D3-0421 AND 0422
91. MAURICE MESPLE DBA MESPLES MACHINE SHOP AND PUMP, 15-R6D7-0186 THROUGH 0191
92. M&M FIGUEROA FARM LABOR CONTRACTORS, 15-R2D3-3347
93. MMW OPERATIONS, INC., 14-R6D2-4171 THROUGH 4174
94. MOBILE CARPET CLUB, INC. DBA CARPET CLUB, 15-R3D2-0933 THROUGH 0935
95. MODI DENTAL CORPORATION DBA SIGNATURE DENTAL, 15-R2D4-1956 AND 1957
96. MOUNT WASHINGTON PARRISH, LLC., 15-R4D1-2928
97. MOYES CUSTOM FURNITURE INC., 15-R6D2-1225 AND 1226
98. M P L ENTERPRISES, INC., 15-R6D5-3253
99. NATIONAL ECON CORP., 14-R3D1-3623
100. PACIFIC MASONRY WALLS, INC., 14-R3D1-4212
101. PALLETS AGENTS INC., 15-R6D2-1830 THROUGH 1833
102. PETERSEN-DEAN INC DBA PETERSENDEAN, 15-R2D4-1958
103. PETERSON BROTHERS CONSTRUCTION, 15-R3D1-3430
104. PINNACLE WORKFORCE LOGISTICS LLC, 15-R3D3-3078 AND 3079
105. PLANT CONSTRUCTION COMPANY, L.P., 15-R1D1-0619

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107. PROGRESSIVE TECHNOLOGY, INC., 15-R2D1-0724 AND 0725
108. PROPORTION FOODS LLC, 15-R4D1-1473
109. PRO TAB LABORATORIES INC., 15-R3D1-1444
110. RAIN BIRD CORP, 15-R6D2-1350 THROUGH 1352
111. RAINBOW ENVIRONMENTAL SERVICES, 15-R3D1-2016
112. RANDSTAD WORKS SOLUTIONS, 15-R1D2-2164
113. REDHAWK HAND CAR WASH, 15-R3D3-0011
114. RE MERLO GENERAL FARMING INC, 15-R2D3-2533 THROUGH 2535
115. RENAISSANCE HOME HEALTH SERVICES, 15-R4D1-1144
116. FRANCISCO RESENDIZ DBA RESENDIZ FARMS, 14-R2D4-3966
117. MICHAEL V. RHODES DBA DONOVAN'S LAWN & TREE SERVICE, 15-R3D3-2396 AND 2397
118. RIVERSIDE COUNTY SHERIFF'S DEPARTMENT, 15-R3D3-3178
119. ROBINSON PHARMA, INC., 14-R3D1-3907
120. ROCKVIEW DAIRIES, INC. DBA ROCKVIEW FARMS, 15-R3D5-2521
121. ROSS PLASTERING, INC. DBA ROSS MASONRY, 15-R3D1-2909 AND 2910
122. SALINAS FABRICATION SHOP, 15-R1D2-2347 AND 2348
123. VICTOR SANCHEZ DBA V & S AUTO REPAIR, 15-R6D7-0696 THROUGH 0698
124. SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT, 15-R1D4-0513
125. SAN MATEO CAL-KIWI ROOFING, INC. DBA CAL-PAC ROOFING OF SAN MATEO, 15-R1D3-3258
126. SCHUFF STEEL CO., 14-R3D2-0002 THROUGH 0004
127. SCREED MASTER PRODUCTS, INC., 15-R3D2-1619 AND 1620

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131. STARR CONSTRUCTION, INC., 15-R6D7-1728 THROUGH 1730 AND 15-R6D7-3482
132. TAYLORED SERVICES LLC, 15-R3D3-1452 THROUGH 1455
133. TEC EQUIPMENT, INC., 15-R3D3-3080 THROUGH 3083
134. THEODORA ORINGHER PC, 15-R3D1-2957
135. THE PLASTER GROUP, INC., 15-R1D2-2462 AND 2463
136. THE QUIKRETE COMPANIES, INC. DBA QUIKRETE, 15-R4D4-0443 AND 0444
137. THREE MAN CORPORATION DBA SAN DIEGO PRINTERS, 15-R3D2-2518
138. VC CATTLE, 15-R4D7-1002
139. VERTICAL TANK, INC., 14-R4D7-4072 THROUGH 4074
140. VETERAN POWER, INC, 15-R1D2-1887
141. VICTORVILLE MOTORCYCLE CENTER INC., 15-R3D3-0076
142. VIKING CONSTRUCTION COMPANY INC, 14-R2D4-3979
143. VILLAGE NURSERIES WHOLESALE, LLC, 15-R6D1-2424
144. WALMART STORES INC., STORE #2297, 14-R4D3-3656
145. WAWONA PACKING COMPANY, INC., 15-R2D5-0458
146. WEATHERFORD ARTIFICIAL LIFT SYSTEMS, INC., 14-R4D3-1875 THROUGH 1876
147. WEST CONTRA COSTA SCHOOL DISTRICT, CHESPI MIDDLE SCHOOL, 15-R1D5-0851
148. WESTSIDE TOW, 14-R4D1-4119

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149. WILL-MANN INC., 15-R6D2-2625 AND 2626

150. YOUNG HEE DBA S E CUTTING CO., 15-R6D5-0305 THROUGH 0307

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

**PERSONNEL:**

*(Issues regarding staff.)*

Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.